

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION**

**CHRIS CASTEEL d/b/a/ JMC FIREARMS,
JMC FIREARMS, LLC**

Petitioners,

v.

No. 18-1198-STA

**STEVEN A. KOLB,
Director, Industry Operations,
Bureau of Alcohol, Tobacco
Firearms and Explosives**

Respondent.

**REPORT OF PARTIES' PLANNING CONFERENCE
ON DISCOVERY AND OTHER MATTERS**

1. Scheduling Conference

Pursuant to Federal Rule of Civil Procedure 26(f), a meeting was held telephonically, and was attended by:

- a. Michael J. Stengel, Counsel for Petitioners
- b. David Brackstone, Assistant United States Attorney, Counsel for Respondent

2. Pre-Discovery Disclosure

The parties are to exchange the information required by Federal Rule of Civil Procedure 26(a)(1) on or before September 25, 2019.

3. Discovery Plan

The parties are in potential disagreement as to whether discovery would be appropriate or permitted. Respondent would suggest that, as this matter is an administrative review, the relevant

materials are limited to those contained in the administrative record. However, in the event discovery is to be permitted, the parties agree as follows:

Interrogatories

The maximum number of interrogatories to be propounded by each party and the deadline for responding to interrogatories shall be governed by Fed. R. Civ. P. 33.

Requests for Admission

The amount and timing of requests for admissions shall be governed by Fed. R. Civ. P. 36.

Depositions

The parties stipulate and propose that each side will be limited to ten (10) depositions unless additional depositions are authorized by the Court after a showing of good cause. Deposition length shall be governed by Federal Rule of Civil Procedure 30(d).

Supplementations

Supplementations under Federal Rule of Civil Procedure 26(e) are due in a timely manner, if the party learns that in some material respect the disclosure or response is incomplete or incorrect, and if the additional or corrective information has not otherwise been made known to the other parties during the discovery process or in writing, but not later than January 17, 2020.

4. Other Items

Dispositive Motions

All potentially dispositive motions should be filed by February 28, 2020 if discovery is permitted. Otherwise, the dispositive motions deadline shall be December 9, 2019.

Settlement

The parties do not believe ADR would be helpful or appropriate in light of the nature of the case (i.e. a challenge to an agency decision with no claim for damages). Should the Court not

relieve the parties from their ADR obligations, the parties would request a judicial settlement conference in lieu of traditional mediation.

Final Lists of Witnesses/Exhibits and Objections

Final lists of witnesses and exhibits under Federal Rule of Civil Procedure 26(e)(3) should be due from Plaintiff and Defendant at least 30 days before trial.

Parties should have up to 14 days after service of final lists of witnesses and exhibits to list objections under Federal Rule of Civil Procedure 26(e)(3).

Trial

The case should be ready for trial by a jury, and at this time is expected to take approximately two (2) days.

Electronically Stored Information

As required by Local Rule 26.1(e), the parties have conferred as to whether they will seek discovery of electronically stored information ("e-discovery") and have agreed that e-discovery may not be appropriate in this case. However, in the event the need for e-discovery arises, the parties will comply with the default standards described in Local Rule 26.1(e) until the court approves the parties' e-discovery plan.

The parties **do not** consent to trial before the Magistrate Judge.

Respectfully submitted,

D. MICHAEL DUNAVANT
UNITED STATES ATTORNEY

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CERTIFICATE OF SERVICE

I, David Brackstone, certify that a true and correct copy of the foregoing was served via the court's ECF/PACER system on counsel for Petitioner, this 6th day of September, 2019.

/s/ David Brackstone
Assistant United States Attorney